

SUPREME COURT SCORES A DOCTOR

Reverses Damage Suit Because Physician Worked to Get a Settlement.

NEW TRIAL FOR VIALLET

MURRAY ELOPEMENT CULMINATES IN DIVORCE COURT.

Dr. Joseph S. Richards was severely excoriated in an opinion rendered in the supreme court yesterday in the case of Louis Viallet against the Consolidated Railway & Power company, now merged with the Utah Light & Railway company. The opinion, which was written by Justice William H. Murray, occurred in by the full bench, finds that Dr. Richards used his position as surgeon for the company to secure a settlement of a claim for damages against the company, which wronged the plaintiff.

Viallet had his shoulder injured in a street car collision on State street, Jan. 13, 1902. He charged, and the court holds that the evidence shows it to be true, that for several days Dr. Richards, acting as surgeon for the company, treated him. He alleged that Dr. Richards came to his house once accompanied by a claim agent for the company, and later visited him alone, ostensibly to treat his injuries. On each occasion, he testified, Dr. Richards assured him that his injury was getting along finely and that he would soon be well.

Doctor Talked Settlement.

On each visit, he claimed, the doctor would talk about his settling with the company. He opened negotiations and they continued for the sum of \$40 up to an offer of \$120, which he finally accepted. He signed a written release waiving damages. At each conversation, he testified, Dr. Richards assured him that he would soon be well. He further told that, in the event he sued the company, he (the doctor) would testify against him, and that he could not recover anything.

Roasts the Doctor.

In his opinion Justice Murray holds that, according to the evidence, the company was prima facie guilty of negligence so far as the accident was concerned. He found that Dr. Richards, who is not mentioned by name in the opinion, violated the confidential relation which the law requires shall exist between patient and physician by telling him he would testify in court against him.

ADMINISTRATOR OUSTED.

Supreme Court Decides for Heirs of Charles Bunting.

The supreme court yesterday rendered an opinion reversing the district court in a case from Box Elder county, wherein Grace Bunting asked for the removal of W. R. Ritter, administrator of her father's estate. The father was Charles Bunting, and most of his property was in Idaho, where an administrator was appointed. In September, 1904, however, J. J. Gubben, now attorney general of Idaho, caused Mr. Ritter to be appointed as administrator in Utah. Mr. Gubben was a creditor of the estate.

WIFE SUES ELOPER.

Husband Stopped in Flight by Police Now in Divorce Court.

Harry Fitzgerald of Murray, who was stopped by the police last week while supposedly trying to elope with Mrs. Irene Ingleson, a Murray bride, was sued for divorce by his wife, Mrs. Victoria Fitzgerald, yesterday.

Court Notes.

Judge Moore yesterday granted Louise Simpkins a divorce from Joseph E. Simpkins. The defendant did not appear. A decree for \$1,464 has been entered in the case of the H. Wagner Brewing company vs.

To Make Brains

Nature requires Albumen and Phosphate of Potash FROM FOOD.

Grape - Nuts

contains these elements.

PAYNE STANDS WITH MONOPOLY

House Leader Prevents Statement of Grievances of Shippers From Getting Into the Record.

CHECK UPON THE CABINET

MONEY BEING USED WITHOUT WARRANT OF LAW.

Washington, Feb. 13.—The fortification appropriation bill held the attention of the house today and was the text for much heated argument, first over to the lax method of expenditure of public moneys, and second over the location of the proposed \$15,000,000 naval station for the Philippines.

Mr. Gillespie of Texas made an unsuccessful attempt to get into the record a statement of grievances of the coal operators and shippers of Pennsylvania, and the Democratic leader, Mr. Williams, inaugurated a filibuster over the question of adjournment as a retaliation.

Tendency to Bureaucracy.

Mr. Smith of Iowa, in charge of the fortifications bill, advanced the idea of vitalizing ten of the committees of the house charged with the supervision of expenditures in the various government departments. He advocated an amendment to the rules which will compel reports from these committees annually.

Fortifications Bill.

At 1 o'clock the house took up the fortifications bill with an agreement to limit the debate to three and a half hours. Details of the bill were explained by Mr. Smith of Iowa, in explaining the sums spent for fortifications Mr. Smith said the amount since 1889 had been \$119,102,483. Although the plan of the Taft board had not been made public, he said that the amount appropriated \$800,000 was to be expended for batteries in the Philippines and Hawaii. It was the policy not to make appropriations definite in order that the works constructed might not be revealed to the world. However, he said, Hawaii was to get about \$200,000 and the Philippines \$400,000.

Useless Oil Paintings.

Before Mr. Smith closed he reverted again to the oil painting question. He said: "Today in the older departments these oil paintings, alleged works of art, supposed to portray the features of long-forgotten statesmen, have so accumulated that they have to hang in double and triple tiers upon the walls, and the question is now, not where to get oil paintings to go on the walls, but where to get the walls on which to hang the paintings."

Naval Station Opposed.

The discussion then turned entirely on the proposed naval station in the Philippine Islands. Mr. Fitzgerald opposed the establishment of a station on Suigui bay with a contemplated expenditure of \$15,000,000. Until the policy of the government was settled—whether we were or were not to retain the islands—he urged that no expenditure be made for permanent defenses at Suigui bay.

Longworth of Ohio Interjected.

It was so, Mr. Fitzgerald expressed the opinion that in view of the influence with the administration of these two officers their views would prevail.

Corbin and Wood Discredited.

Chairman Foss of Illinois of the naval committee discredited the opinion of Generals Corbin and Wood. He would accept their advice as to the location of fortifications, but not as to naval stations. As to Cavite, he said it was impossible to get a battleship within two miles of the naval station. There was no other place, he said, beside Suigui bay to moor the enormous drydock now on its way to the Philippines.

When, at 4:35 o'clock, general debate had been exhausted Mr. Smith, in charge of the bill, moved that the committee of the whole rise so that adjournment might be had.

Mr. Gillespie of Texas, who had made one effort to get printed in the record a petition he had received from the bituminous coal operators and shippers of Pennsylvania setting forth their grievances, made a second attempt, but Mr. Payne of New York made objection, whereupon Mr. Williams, the minority leader, took the matter in hand and fought the motion to adjourn. A rising vote, a vote by tellers and then a roll-call followed.

The vote on the roll-call carried the motion, 106 to 64, and adjournment was declared at 5:10 o'clock.

John Trenton et al. The decree also directs the foreclosure of a chattel mortgage.

Zion's Savings Bank & Trust company yesterday sued J. A. Sermon and G. F. Summerhays on a promissory note for \$250 with interest.

Judgment granting the defendants a perpetual easement over a portion of lot 4, block 8, plat A, has been entered in the case of Herman Hill vs. P. H. Lannan et al.

The supreme court yesterday heard arguments in the following cases: State vs. Willard Hutchings; S. O. Nielson vs. Otto Peterson. Both cases were taken under advisement.

The Sierra Nevada Lumber company has secured judgment for \$106 on a promissory note against W. C. Clayton et al. The judgment provides for the foreclosure of a material man's lien against property in Hunter's subdivision.

The will of Caroline C. Harris, who died recently in Philadelphia, Pa., was filed for probate in the district court yesterday, in order that \$4,000 worth of real estate owned by the deceased in Utah may be administered upon. A petition accompanied the will asking that Wharton E. Harris, Emile B. Warner and Mary Harris Smith be granted letters of administration.

WORST ECZEMA DOCTORS EVER SAW

Spread Rapidly Over Body—Limbs and Arms Had to Be Bandaged and Scalp Looked Dreadful—Suffered Untold Misery for Three Years—Better in Two Months

MARVELOUS CURE BY CUTICURA REMEDIES

"My son, who is now twenty-two years of age, when he was four months old began to have eczema on his face, spreading quite rapidly until he was nearly covered. We had all the doctors around us and some from larger places, but no one helped him a particle. The eczema was something terrible, and the doctors said it was the worst case they ever saw. At times his whole body and face were covered, all but his feet. I had to bandage his limbs and arms; his scalp was just dreadful. I used many kinds of patent medicines before trying the Cuticura Remedies, all to no avail."

"A friend teased me to try Cuticura. At last I consented, when my boy was three years and four months old, having had eczema all that time, and suffering untold misery. I began to use all three of the Cuticura Remedies; the Cuticura Soap helped as well as the Ointment. He was better in two months, in six months he was well; but I gave him the Cuticura Resolvent one year, using twelve bottles. I think, and always used the Cuticura Soap for bathing, and do now a good deal. He was four years old before he was well, and his skin became perfectly fair when cured. I give you permission to publish this letter for I am always glad to do good when I can. I think I have told you all there is necessary to tell."

Mrs. R. L. Risley, Piermont, N. H., Oct. 24, 1905.

Complete External and Internal Treatment for every Humour, from Pimples to Scrofula, from Itchiness to Aps, including Catarrhs, Skin Diseases, Eczema, Herpes, etc. (In form of Chocolate Coated Pills, 50c per box of 60, may be had of all druggists, or sent by mail on receipt of the price. When all other remedies fail, use the Cuticura Remedies. Cuticura Soap, Cuticura Ointment, Cuticura Resolvent, and Cuticura Pills, all sold by all druggists, or sent by mail on receipt of the price. Sole Proprietors, E. C. Clark & Co., New York, N. Y., and "All About the Skin, Scalp, Hair, and Hands."

EXPRESSMAN BADLY HURT

Mysterious Explosion Among the Effects of Officers of the Second Infantry.

San Francisco, Feb. 13.—The Post today says that H. L. Laughran, an expressman, has been seriously injured by a mysterious explosion, and is now in a hospital, his condition being such that he cannot be interviewed.

It is alleged that Laughran went to the Santa Fe railroad sheds, about 10 o'clock this morning to get a box belonging to Company 1 of the Second United States Infantry, and cover transport Meade, which was about to sail. He accidentally dropped the box, the contents of which immediately exploded, wounding the expressman and rendering him unconscious. The box is declared to have been similar to one which previously had been placed on the Meade in the section of the hold where the fatal fire occurred, the origin of which remains a mystery.

Both boxes were said to contain personal mementoes of the officers of Company B. Major Devo, chief of the transport service, admitted today that the box supposed to contain the supplies had exploded at the freight sheds. He said that he had appointed a commission of officers to investigate the matter, but declined to express an opinion regarding the cause of the accident until a full report had been made.

Once more the Salt Lake Route has come to the front. This time with the rate of \$25 to Los Angeles or San Francisco. See agent at once.

A dollar for a Sunday Herald. See the first page.

DENIES BEING BRIBED.

Blanton Takes the Stand in His Own Defense.

Joplin, Mo., Feb. 13.—Charles L. Blanton, charged with conspiracy in the location of federal buildings, took the stand today in his own defense. He denied emphatically having any knowledge of money raised to influence the selection of sites in the several towns of Missouri and Arkansas.

"At Louisiana, Mo.," the witness said, "one of the wealthiest men of the town told me he had just come from St. Louis and that Colonel Dyer, (United States district attorney) had told him that if I selected the Gunn site my actions would be investigated. I reported the matter to the department."

Dr. Enoch Van Cott, Dentist. 501-502 Templeton building.

Thursday's day we give tickets away for \$25 to San Francisco or Los Angeles. Phone at once to Salt Lake Route 1986.

SYMPATHETIC STRIKE.

New Castle, Pa., Feb. 13.—Seven hundred employees of the Pittsburgh Reduction company went out on a sympathetic strike today, because of an order affecting eight heaters at the smelters.

MELLIN'S For the Baby FOOD

What better testimonial do you want, than the words of the mothers, who have used Mellin's Food for their babies? Ask any mother, who has raised her baby on Mellin's Food, and see if she is not more than pleased. If it is not convenient to do that, write us and we will send you copies of their letters. We may have some from your town, for we have them from all over the United States. Send for a free sample of Mellin's Food for your baby.

The ONLY Infants' Food receiving the GRAND PRIZE at St. Louis, 1904. Gold Medal, Highest Award, Portland, Ore. 1905.

MELLIN'S FOOD CO., BOSTON, MASS.

WALKER'S WEDNESDAY BULLETIN.

A Fine Lot of Embroidery Insertions to Clean Up at 15c the Yard.

These elegant pieces of insertion have sold all season up to 50c the yard. It has been a great embroidery season, and we have sold out our entire stock, save a few pieces, which we offer at this very unusual reduction to close.

Beautiful Tinted Table Covers at One-Third Off.

These are very pretty, tinted in natural colors, floral and conventional designs. The prices to close them out will be as follows:

The 50c kind to go at each... 35c The \$1.50 kind to go at each... \$1.00
The \$1.00 kind to go at each... 67c The \$2.00 kind to go at each... \$1.33

CREPE PAPER IN ALL COLORS, STRIPES AND PLAIN, WORTH 10c THE ROLL. SPECIAL TO CLOSE, THE ROLL 5 CENTS.

\$15.00 Elegant Dinner Sets, Wednesday Only--\$7.98

This handsome assortment comprises three different treatments of Allerton's decorated dinner sets. Neat and artistic in design and excellent in finish and durability. These sets are very reasonable at \$15.00 the set, and Wednesday you pay only \$7.98.

Women's New, Snappy Footwear at \$3.45 the pair.

This is a new assortment, fresh from the factory. The styles are perfect, the leathers are selected, the lasts are comfortable and the price is low enough to insure a tremendous week in the shoe department. Sizes from 1 1/2 to 8, in widths from AA to EE.

Linen and Wash Goods, Wednesday Specials.

OLD BLEACH SUITING LINENS, 90 inches wide, all linen, worth \$1.50 the yard. Wednesday special... \$1.25

WHITE MERCERIZED WAISTINGS, twenty patterns to select from, worth 25c the yard. Wednesday special... 16 3/4c

DOTTED SILK MULLS, all colors, worth 35c the yard. Wednesday special... 16 3/4c

SILK BOURRETTES, 27 inches wide, in assorted colors, worth 50c the yard. Wednesday special... 30c

OUR TAILORING DEPARTMENT WILL NOT CLOSE THIS SPRING.

This spring, we set aside the usual custom of closing our tailoring department between the seasons. Mr. Pauloo will conduct this branch of the work, and our patrons will receive prompt and expert attention. Of course, every one knows the advisability of buying materials early, thereby enjoying a better selection and receiving the undivided attention of the fitters before the rush begins.

Walker Brothers Dry Goods Co.

There's Something Good in Any One Who Uses Husler's Flour

Weak, Nervous, Restless at Night, and Weak, Aching Back, Diseased Kidneys, Indigestion, Prostate, Dispendent, Lack of Energy, Ambition and Strength, Poor Memory, Hollowed Eyes.

An endless number of men have one or more of the above symptoms and drag from day to day in despair of a prosperous, happy future, and well they may, for if neglected their health is sure to be wrecked by a complete loss of physical, mental and sexual power.

My method completely and permanently revives manhood after cure-all remedies and quackcure specialists fail to even benefit.

My scientific, systematic course of treatment for weak, nervous, brokendown youths and men, who have, through folly, dissipation and excesses, unfitted themselves for work and the enjoyment of life is a system that has been tested many times over and proven entirely satisfactory in every case. It is totally different from the many sickening pills and tablets, and the stimulating, stomach-ruining drugs given by would-be specialists. My specific treatment for all the symptoms indicating Failing Manhood is harmless, though so effective as to remove them immediately. It is constitutional, therefore, by purifying and enriching the blood, strengthening the nervous system, nourishing the tissues, the patient becomes strong and healthy with all signs of trouble forever gone. The treatment is to the human system what the sap is to the tree—it buds energy, ambition and confidence that lead into a prime, healthy, vigorous feeling of new life.

I treat and cure all such pelvic diseases as PILES, FISTULA, RUPTURE, VARICOCELE, HYDROCELE, BLOOD POISON, SKIN DISEASES, SORES, ULCERS, NERVOUS DECLINE, and diseases of the KIDNEYS, BLADDER AND PROSTATE. My method of treating these diseases has proven so successful that I guarantee a permanent cure in every case accepted, and contract by a written instrument to produce permanent and satisfactory results or refund money.

IMPORTANT.—I will cure you for less money than you can be treated for by any other specialist in Salt Lake. You may have to come to me sooner or later in order to be properly cured; why not before you have lost your money in doctoring with cheap, unskilled specialists?

CURE OR NO CHARGE.—ABSOLUTELY NO CHARGE UNLESS SATISFACTION IS GIVEN. Every patient is given a written guarantee to refund every dollar paid for services if they do not receive a complete, life-long cure and entire satisfaction, and I have made a deposit of \$500.00 in the bank to secure any contract that is not fulfilled.

CONSULTATION FREE, CONFIDENTIAL AND INVITED. A personal, thorough and searching examination is required, though if inconvenient to call, write me a full description of your trouble. Office hours, 9 a. m. to 8 p. m., except Sundays, from 9 to 11:30. Address of call.

COOK MEDICAL CO., 116 S. Main

ENJOY YOUR SALT AIR BATH AT HOME

For the next three months. We have the salt just as it comes from the great lake.

It is inexpensive and very beneficial to your general health.

Halliday Drug Co.

Between Salt Lake and Orpheum Theatres.

Our 'phones are 886.

Anderson Insurance Agency

HUGH ANDERSON, Pres. Established 1871. FRANK K. POZ, Secy. 163 South Main St., Salt Lake City. P. O. Box 977. Telephone 195.

Fire, Life and Accident INSURANCE

Actna of Hartford... \$14,943,529
Fireman's Fund, of California... 5,203,587
Alliance of England... 62,686,133
Franklin Fire of Philadelphia... 3,096,373
Citizens of Missouri (Policies guaranteed by Hartford)... 726,019

When You Buy

A diamond, a watch, a piece of silver or anything else of us you may be certain of one thing.

YOU GET FULL VALUE

for the money you spend. We take back anything unsatisfactory.

Established 1862

Park's JEWELRY STORE 170 MAIN ST.

REASONABLE PRICES

E.M. FRIEDMAN & CO.

CLOTHIERS

145 Main St.

We carry a complete line of underwear, all sizes, prices and styles. Our stock includes Wright's Health Underwear.

Non-Irritating—Always Soft. And much more durable than the ordinary kind.

UTAH'S MOST POPULAR RAILROAD.

CURRENT TIME TABLE.

Depart Daily.

No. 7 Los Angeles Limited... 4:15 P.M.
No. 1 Los Angeles Express... 12:01 A.M.
No. 51 For Stockton and Tinto... 7:48 A.M.
No. 63 For Nephi and Sargento Valley... 8:00 A.M.
No. 53 For Garfield... 11:30 A.M.
No. 65 For Nephi and Sargento Valley... 4:45 P.M.
No. 61 For Nephi and Lynn... 5:30 P.M.

Arrive Daily.

No. 8 Los Angeles Limited... 8:45 P.M.
No. 11 Los Angeles Express... 5:20 A.M.
No. 62 From Lynn and Nephi... 9:50 A.M.
No. 54 From Garfield... 1:30 P.M.
No. 64 From Nephi and Sargento Valley... 1:30 P.M.
No. 64 From Nephi... 5:35 P.M.
No. 55 From Tinto and Stockton... 5:00 P.M.

FINEST DINING CAR SERVICE IN THE WEST. ONLY DIRECT LINE TO LOS ANGELES. STAGE CONNECTIONS FOR NEVADA MINING CAMPS.

CITY TICKET OFFICE.
17 West Second South. 'Phones 1988.
J. L. MOORE, Dist. Pass. Agt.

OREGON SHORT LINE RAILROAD

Time Table

IN EFFECT FEB. 13, 1906.

ARRIVE.

No. 4-From Ogdén, Chicago, Omaha, Denver, Kansas City and Denver... 5:15 a.m.
No. 2-From Ogdén, Portland, Butte, and San Francisco... 8:30 a.m.
No. 6-From Ogdén and intermediate points... 9:30 a.m.
No. 12-From Ogdén, Cheyenne Valley and intermediate points... 11:45 a.m.
No. 10-From Ogdén, Cheyenne Valley and intermediate points... 4:20 p.m.
No. 8-From Ogdén, Cheyenne Valley and intermediate points... 5:15 p.m.
No. 10-From Ogdén, Cheyenne Valley, Butte, Portland and San Francisco... 7:35 p.m.

DEPART.

No. 6-For Ogdén, Omaha, Chicago, Denver, Kansas City and St. Louis... 7:10 a.m.
No. 2-For Ogdén, Portland, Butte, San Francisco and intermediate points... 10:30 a.m.
No. 1-For Ogdén, Omaha, Chicago, Denver, Kansas City, St. Louis and San Francisco... 1:30 p.m.
No. 11-For Ogdén, Cheyenne Valley and intermediate points... 4:18 p.m.
No. 17-For Ogdén, Omaha, Chicago, Denver, Kansas City and intermediate points... 5:55 p.m.
No. 8-For Ogdén, Denver, Kansas City and Chicago... 6:05 p.m.
No. 9-For Ogdén, Cheyenne Valley, Butte, Portland, San Francisco and intermediate points... 11:45 p.m.

D. E. BURLEY, G. P. A.
City Ticket Office, 201 Main Street, Telephone 230.

Note.—The train numbers shown above are Oregon Short Line numbers and do not apply to the Southern Pacific of Ogdén, or the Union Pacific east thereof.

THE DENVER & RIO GRANDE RAILROAD

CURRENT TIME TABLE.

In Effect Dec. 10th, 1905.

LEAVE SALT LAKE CITY.

No. 11 for Ogdén... 8:25 A. M.
No. 2 for Denver and East... 10:30 A. M.
No. 3 for Denver and East... 1:35 P. M.
No. 4 for Denver and East... 4:40 P. M.
No. 12 for Ogdén and local points 6:05 P. M.
No. 10 for Heber, Provo and Marysville... 8:00 A. M.
No. 8 for Provo and Bureka... 8:50 P. M.
No. 14 from Ogdén... 10:25 P. M.
No. 1 for Ogdén and West... 1:45 P. M.
No. 5 for Ogdén and West... 10:35 A. M.
No. 102 for Park City... 8:15 A. M.
No. 112 for Bingham... 8:30 P. M.
No. 114 for Bingham... 8:30 P. M.

ARRIVE SALT LAKE CITY.

No. 12 from Ogdén and local points... 5:30 A. M.
No. 5 from Denver and East... 10:25 P. M.
No. 1 from Denver and East... 1:35 P. M.
No. 3 from Denver and East... 4:40 P. M.
No. 8 from Heber, Provo and Marysville... 6:00 P. M.
No. 6 from Ogdén and West... 8:40 A. M.
No. 14 from Ogdén... 10:25 P. M.
No. 2 from Ogdén and West... 3:40 P. M.
No. 4 from Ogdén and West... 1:50 P. M.
No. 1 from Bureka and Provo... 10:30 A. M.
No. 101 from Park City... 8:15 P. M.
No. 115 from Bingham... 10:50 A. M.
No. 115 from Bingham... 8:30 P. M.

PERFECT DINING CAR SERVICE.

All trains except Nos. 1 to 6, inclusive, stop at intermediate points. Ticket office, Donly block. 'Phone 235. J. A. BENTON, G. P. A.

"THE LAGOON ROAD"

Salt Lake & Ogdén Railway Co. SIMON BAMBERGER, President and General Manager. Time table in effect Nov. 25, 1905.